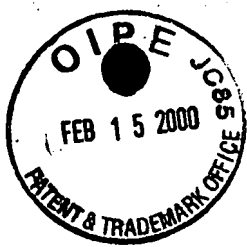


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APR 20 2000 PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : D. Cleveland) Group Art Unit Unknown
Appl. No. : 09/483,445)
Filed : Jan. 14, 2000) I hereby certify that this correspondence and all
For : METHOD AND APPARATUS) marked attachments are being deposited with
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MATERIAL) Commissioner for Patents, Washington, D.C.
20231, on
February 11, 2000
(Date)
Lowell Anderson
Lowell Anderson, Reg. No. 30,990
Examiner : Unknown

DETAILED DISCUSSION OF REFERENCES
ACCOMPANYING PETITION TO MAKE SPECIAL UNDER MPEP § 708.02 VIII

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following discussion points out how the subject matter of Claims 1-44, distinguishes over the known prior art. Claims 45-58 were deleted by Preliminary Amendment.

The invention involves a method of improving textual reading materials and the resulting customized reading materials. These materials are used to help children learn how to read through group reading. Each reader selects or is assigned a character in a story, and the dialogue for that character is presented throughout the story in a unique indicia so the reader can always identify the text for their character. A different indicia is used for the dialogue of each character. The dialogue for the several characters in the story are pre-written at a variety of reading levels, with dialogue at a reading level suitable for each reader being selected and presented for use in the customized reading materials. Independent Claims 1, 16 and 30 define reading materials with these aspects, in various combinations. Independent Claim 39 defines an apparatus for producing these material using means terms. Other aspects of the claims are discussed below.

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Prior to filing the application a search was conducted on the above subject matter. Copies of the following patents and articles resulting from that search, are enclosed.

Ho	5,967,793
Ho	5,934,909
Panec	5,957,693
Werzberger	5,951,298
Ferrel	5,907,837
Siefert	5,904,485
Huffman	5,893,132
Griswold	5,890,911
Jacobs	5,875,110
Doak	5,864,869
Shima	5,835,922
Siefert	5,810,605
Ho	5,779,486
Ross	5,465,213
Gunter	5,387,107
Kalisher	5,213,461
May	5,173,051
Kahn	5,161,978
Minkus	5,122,952
Boulton	4,985,697
Kraynak	3,892,427
Rosanberg	3,575,501

Fairy Tales for Two Readers, Teacher Ideas Press, 1995

FrameMaker 4

Story Generation Based on Dynamics Of The Mind, Computational Intelligence, 1992

Practical SGML

Gary Anthes, A New Page, Computerworld, 1997

Jon Friedman, All That's Fit To Print, InformationWeek 1992

George Alexander, Custom Book Printing and Book Printing On Demand, by Seybold

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Report on Publishing Systems 1992

Evolution of the Textbook: From Print to Multimedia, from, May 13, 1993 issue "The Journal", Volume 20, Number 10;

Texts Can Contain Many Books' Chapters, Original Notes, from, June, 1992 issue of "The Journal", Volume 19, Number 11;

Niche Sites Offer Chance to Create or Personalize Gifts, from the November 18, 1999 issue of the New York Times;

The November, 1999 issue of Publish magazine;

A book, Digital Printing, A Guide to the New Work of Graphic Communications, by Noel Jeffrey.

Anita Maling & Karen Houghton, Speedy PostScript Printers Spur Publishing-On-Demand, MacWeek 1993

DISCUSSION

The patent to **Panec** describes a book in which a story is written at two reading levels: one for a novice reader and one for a skilled reader. The text for the novice reader is printed in larger type. The text of the story alternates between the two reading levels without regard as to which reader reads the dialogue for which character. Thus, each of the two readers reads dialogue for the same characters. This contrasts to Applicant's independent Claims 1, 16 and 30 which define the text for the dialogue of a reader's character as each being presented in a different indicia throughout all or substantially all of the presentation. The Panec patent also does not disclose or suggest the combinations found in dependent claims, examples of which include presenting the dialogue in a unique color (Claims 3, 18, 34-36), or cues adjacent the dialogue to indicate voice inflection, demeanor or action (Claims 14, 27, 37), or text selected from a plurality of text written at different reading levels (Claims 15, 20, 38, 40), or dialogue selected to correspond with the reading level of a specific reader (Claims 19, 21, 41).

As stated in the introduction of "**Fairy Tales for Two Readers**" at page *x*, this book has stories arranged for two readers. The text alternates between reader one and reader two, with the length of each text segment being about the same. The narrative alternates between the readers. The text is presented in the same font for each reader, with labels "Reader 1" or "Reader 2" preceding each text segment. This contrasts with independent Claims 1, 16 and 30, which define

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the text for the dialogue of the various characters as each being presented in a different indicia. This reference also does not disclose or suggest the combinations defined in dependent claims, examples of which include presenting the dialogue in a unique color (Claims 3, 18, 34-36), or cues adjacent the dialogue to indicate voice inflection, demeanor or action (Claims 14, 27, 37), or text selected from a plurality of text written at different reading levels (Claims 15, 20, 38, 40), or dialogue selected to correspond with the reading level of a specific reader (Claims 19, 21, 41).

The following references are not believed to be as pertinent as the above references. None of the following references are believed to disclose or suggest the presentation of character dialogue in indicia peculiar to characters of the story as defined in the independent claims of the application. The references also do not disclose or suggest the combinations defined in dependent claims, examples of which include presenting the dialogue in a unique color (Claims 3, 18, 34-36), or cues adjacent the dialogue to indicate voice inflection, demeanor or action (Claims 14, 27, 37), or text selected from a plurality of text written at different reading levels (Claims 15, 20, 38, 40), or dialogue selected to correspond with the reading level of a specific reader (Claims 19, 21, 41).

The patent to **Griswold** (5,890,911) describes a computerized learning system but does not teach or suggest the claim combinations discussed above.

The patent to **Jacobs** (5,875,110) describes a computerized system for vending products that displays information, but that does not teach or suggest the claim combinations discussed above.

The patents to **Doak** (5,864,869), **May** (5,173,051) describe a system for creating lesson plans or curriculum planning. But the patents do not teach or suggest the claim combinations discussed above.

The patent to **Shima** (5,835,922) describes a method of processing document information to generate documents at various levels of detail according to an intention and idea of a reader for business use. For example, a document may be summarized by taking the first sentence of each paragraph. But the patent does not teach or suggest the claim combinations discussed above.

The patents to **Siefert** (5,810,605 & 5,904,485) describe a computerized system for education that track a student's progress to help educate the student, but that do not teach or suggest the claim combinations discussed above.

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The patents to **Ho** (5,779,486, 5,934,909) describe a method for assessing a student's understanding of a subject, but they do not teach or suggest the claim combinations discussed above.

The patents to **Ross** (5,465,213) & **Kalisher** (5,213,461) describe a system to manufacture a single copy of a book. Some of the claims of the application result in unique books generated one at a time, but these patents do not teach or suggest the claimed combinations of the resulting materials discussed above.

The patent to **Huffman** (5,393,132) describes an electronic book but does not teach or suggest the claim combinations discussed above.

The patent to **Gunter** (5,387,107) describes an interactive storybook in which custom photos can interact with text to convey behavioral messages. But Gunter does not teach or suggest the claim combinations discussed above.

The patent to **Kahn** (5,161,978) describes a method for presenting information to be learned, but it does not teach or suggest the claim combinations discussed above.

The patent to **Ho** (5,967,793) describes a relationship based computerized educational system. But it does not teach or suggest the claim combinations discussed above.

The patent to **Werzberger** (5,951,298) describes an interactive book assembly in which portions of the text are highlighted, and that may include a code that relates to the age level. But the combinations of the Applicant's independent claims that are discussed above are not shown or suggested, let alone the combinations defined by the Applicant's dependent claims.

The patent to **Ferrel** (5,907,837) describes a method for retrieving information, including retrieving stories. But Ferrel does not describe or suggest the combinations of the independent and dependent claims as discussed above.

The patent to **Minkus** (5,122,952) describes a method for selecting a combination of learning tools from among a larger group, in order to create a list of preferred tools/products for a specific child. It does not teach or suggest the claim combinations discussed above.

The patent to **Boulton** (4,985,697) describes a method of publishing an electronic book. But Boulton does not teach or suggest the combinations defined in the independent and dependent claims discussed above.

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The patent to **Kirsch** (5,8993,717) has a very long disclosure that describes a method of teaching prose and literacy. But Kirsch does not teach or suggest the combinations defined in the independent and dependent claims discussed above.

The patent to **Kraynak** (3,892,427) discloses a method of preparing books with non-variable text but which inserts some personalized information, such as a person's name, into the text. The article Niche Sites Offer Chance to Create or Personalize Gifts, from the November 18, 1999 issue of the New York Times also describes such books. But neither references teaches or suggests the combinations defined in the independent and dependent claims discussed above.

The patent to **Rosanberg** (3,575,501) discloses a method of high speed retrieval of information and printing it in book form. But Rosanberg does not teach or suggest the combinations defined in the independent and dependent claims discussed above.

The **FrameMaker 4** excerpt describes how software operates to view and print selected portions of text. The excerpts from the book *Digital Printing* is similar. They are relevant as general background, but do not teach or suggest the combinations defined in the independent and dependent claims discussed above.

Several articles discuss general background information on document generation or identifying aspects of documents for various uses. These are believed to be of general background interest. These include the "Story Generation Based on Dynamics of the Mind," and "Practical SGML."

A number of Abstracts and article excerpts are enclosed that describe customized printing materials, but none teach or suggest the combinations defined in the independent claims discussed above. Some of the dependent claims define printed material selected by or for a specific reader, and some of these articles discuss creating such things as a textbook with the chapters rearranged to suit a teacher's course outline. But the overall combination defined in the claims, and the specific combinations defined in the dependent claims, are not believed to be disclosed. These Abstracts and article excerpts include:

Gary Anthes, Computerworld, refers to just-in-time printing of textbooks that allows authors to select materials from a database.

Jon Friedman, InformationWeek, discusses printing on demand.

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George Alexander, Seybold Report on Publishing Systems, discusses printing on demand from computer files and custom printing in which material from a variety of sources can be incorporated in to a textbook.

Anita Maling & Karen Houghton, MacWeek, an abstract on using desktop publishing files to print high quality books and documents, including producing textbooks with chapters in the order of a course's lecture.

Lucke, K., Visible Language, an abstract mentioning a flexible document format subject to user specification based on particular reading needs or habits.

Waller, D.G., Problems in Publishing: an EDI Paradigm, an abstract discussing difficulties in linking retail printers to publishers.

The articles titled Evolution of the Textbook: From Print to Multimedia, and Texts Can Conation Many Books' Chapters, Original Notes, discuss several current systems for "electronic publishing," including the ability to retrieve and print portions of stored documents. But the articles do not teach or suggest the combinations defined in the Applicant's independent and dependent claims as discussed above.

CONCLUSION

As discussed above, none of the above references are believed to present the dialogue for several characters of a story in an indicia unique to that character. None are believed to present the dialogue in various reading levels selected for a reader of predetermined age, or selected for specific readers. None are believed to select the dialogue from a pre-existing database containing dialogues written at various reading levels. The combinations defined by independent Claims 1, 16, 30 and 39 are not taught or suggested by the cited references, and the further combinations defined by the dependent claims are likewise not taught or suggested. Accordingly, the

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Applicant, through her undersigned attorney, respectfully request that the above-identified patent application be made special pursuant to the accompanying petition.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/11/00

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